

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dowdal
Serial No: 09/605,422
Filed: June 27, 2000
Confirmation No.: 3904

Docket No: 1.046US
Examiner: PHAM, Brenda
Art Unit: 2731

For: **ADAPTIVE PAYOUT OF DIGITAL PACKET AUDIO WITH PACKET FORMAT
INDEPENDENT JITTER REMOVAL**

**RENEWED PETITION UNDER 37 CFR 1.137(b) and
STATEMENT THAT ENTIRE DELAY WAS UNINTENTIONAL**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop Petition

Dear Sir:

This paper is in support of A REQUEST FOR RECONSIDERATION OF A PETITION under 37 CFR 1.137(e). The petition was a Petition to Revive for unintentionally abandonment under 37 CFR 1.137(b).

The delay was unintentional due to never receiving the Office Action. A non-final Office Action was purportedly mailed on October 2, 2004. A Notice of Abandonment was mailed December 13, 2004. The application became abandoned on January 3, 2004.

The present application was originally filed by the original assignee:

TELOGY NETWORKS
20250 Century Boulevard
Germantown, MD 206874

The correspondence was as above c/o Paul Grandinetti, Reg. No.: 30,754. However, as reflected in the Transaction history, the correspondence address should have been changed to Texas Instruments' Customer Number—23494--as Telogy became a Texas Instruments company. That address is P.O. Box 655474, M.S. 3999; Dallas, TX 75265. On May 17, 2006, Gracia Sansom, IP Database Administrator for Texas Instruments Incorporated noticed in Private PAIR that 09/605,422 had been abandoned for failure to

respond to the Office Action mailed on October 2, 2004. Applicant never received the Office Action nor the Notice of Abandonment. A request to withdraw abandonment and a Request for Continued Examination (RCE) was filed on June 12, 2006 along with a fee of \$2,290.

The petition was dismissed as it failed to satisfy the requirement of the reply to the outstanding Office Action did not accompany the petition. Applicant traverses this dismissal as neither Private PAIR nor Public PAIR had a copy of the Office Action. Applicant has spoken with Examiner and she noted that she can't fax or otherwise resend the Office Action. However, she did indicate that combining the limitations of claim 2 into claim 1 would result in an allowable claim. Applicant submits herein a reply amending claim 1 to have the limitations of claim 2.

In light of the impossibility of responding to an Office Action whose substance the Applicant is not aware of and cannot obtain, Applicant respectfully requests reconsideration of the dismissal of the Petition to Revive under 37 CFR 1.137(b).

Respectfully submitted:

/Steven A. Shaw/

July 24, 2006

Date

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